IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1436 OF 2005
IN
SECOND APPEAL NO.894 OF 2005

Bhalchandra Saybanna Jirge ...Applicant
Vs.
Sau Bharatbai Bhalchandra Jirge & Anr. ...Respondents

Mr A.R.S. Baxi for the Applicant.
None for the Respondents.

CORAM : A. S. OKA, J.
DATE : MARCH 13, 2006.

P.C.:

1. Heard the Advocate appearing for the Applicant. The Applicant who is the Appellant in the Second Appeal is the original Defendant. The Respondent No.1 claims to be a legally wedded wife of the Applicant and according to her the marriage between her and the Applicant was solemnised on 06th April, 1964. Case of the Respondents is that the Respondent No.2 is daughter of the Applicant.

2. Both the courts below have held that the Respondent No.1 is legally wedded wife of the Applicant and the Respondent No.2 is the daughter of the Applicant. The courts below have recorded a finding that the Respondents are unable to maintain themselves. The Trial Court directed the Applicant to pay maintenance at the rate of Rs.1,000/- per month to the Respondent No.1 and maintenance of Rs.1,000/- per

month to the Respondent No.2. The direction of the Trial Court to the Applicant is to pay maintenance to the Respondents from the date of institution of the suit.

3. Considering the concurrent findings recorded by the Courts below, no case is made out for grant of stay. At this stage the Advocate appearing for the Applicant submitted that the Respondent No.2 has since married. However, there is no averment made in the Application to that effect. Hence, Application is rejected.

JUDGE